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No. 2.

The Secretary of State to Mr. John Forsyth.
JOHN FOASYTH, Esq. Minister Plenipotentiary
of the United States, Madrid

Department of State,
Washington, 18th Aug. 1819.

Sir: Captain Read, of the Hornet, has delivered to me your despatches of the 10th, 17th, and 22d of June, which have been submitted to the consideration of the President.

However extraordinary the conduct of the Spanish government in relation to the treaty, signed on the 22d of February last, has been, the President is unwilling to abandon the hope, that, within the period of six months, allowed for the exchange of the ratifications, a sense of justice and of decent regard for the public faith of the king and nation, solemnly pledged by the treaty, will prevail over the individual intrigues and lurking influence which prompted the delay that has taken place—Should this expectation, however, be disappointed, and should the treaty remain unratified by Spain at the time when you shall receive this despatch, you will immediately make an official communication on to the Minister of Foreign Affairs, stating that the ratification of Spain, with the explicit understanding on her part, that the alleged grants to the Duke of Alagon, Count Panteon Rastro, and Mr Vargas, and all others which may have been made under the same circumstances are, by the 8th article of the treaty, null and void, will be so held by the United States, and will not be accepted as valid; and that you are authorised to receive the Spanish ratification in exchange for that of the United States, though after the lapse of the stipulated six months: provided the exchange shall be immediate, and in such time that you can despatch the ratified treaty by the messenger who will be the bearer of this, in season to arrive here before the meeting of Congress on the first Monday in December; that, if the ratified treaty should not arrive here at that time, a full communication will be made by the President to Congress, of all the transactions relating to the treaty, and such measures will be adopted by that body as they shall think required by the exigency of the case; that, whatever their determination may be, the Spanish Government will be responsible to the United States for all damages and expenses which may arise from the delay or refusal of Spain to ratify, and from the measures to which the United States may resort, to give efficacy to their

rights: and that, for the indemnities to which they will be justly entitled, for this violation of faith by Spain, the United States will look to the territory west of the Sabine river.

The only reason assigned by the Minister of State, ad interim, Salmon, for the postponement of the Spanish ratification, was, the determination of the King, founded upon the great importance of the treaty, to act upon it with full deliberation. This may have been sufficient to justify delay within the period stipulated by the treaty; but after the expiration of that period, can no longer be alleged. Delay beyond that period will be a breach of faith; for the treaty, in all its parts, from the moment of its signature by Mr. Onis, and the ratification of the United States, was as binding upon the honor and good faith of the Spanish king and nation, as it would be after the ratification. It is scarcely supposable that Spain will contest this position, or that it should be necessary to present it to her view in the following terms, of the full power of Mr. Onis, the original of which, signed by the King of Spain, was delivered to me before the signature of the treaty. The words of his Catholic Majesty are, after authorising Mr. Onis to treat, "negociate, and conclude a treaty, whereby past differences may be adjusted, and a firm and lasting peace established between the two Governments; obliging ourselves, as we do hereby oblige ourselves, and promise, on the faith and word of a King, to approve, ratify, and fulfil, and to cause to be inviolably observed and fulfilled, whatsoever may be stipulated and signed by you; to which intent and purpose, I grant you all authority and full power, in the most ample form, thereby as of right required." If language so explicit and unqualified were in regard to its import, susceptible of any doubt, founded on the usage which requires the ratification of the sovereign, for the full consummation of a treaty, there is nothing dubious or uncertain in the extent of obligation resting upon him by the signature of his Minister, vested with such a full power. The following passages from Vattel and Martens are decisive authorities upon the principle:

"Sovereigns treat together by the agency of their attorneys or mandatories, clothed with sufficient powers; they are commonly called Plenipotentiaries. All the rules of the law of nature, concerning things performed by commission, are here applicable. The rights of the agent are defined by the authority given him. From this he must not depart; but whatever he promises, within the terms of his commission, and according to the extent of his powers, is binding upon his constituent."

"At this time, to avoid all danger and difficulty, Princes reserve to themselves the right of ratifying that which has been concluded by their minister, in their name.—The full power is merely a com-

"Obligandonos y prometemos en fe y palabra de Rey que approstremos, ratificaremos, cumpliremos y haremos observar y cumplir inviolablemente quanto por vos fuere estipulado y firmado para lo qual os concedo todas las facultades y plenos poderes en la forma mas amplia que de derecho se requieren."

mission *cum libera*. If this commission were to have its full effect, it should be given with the utmost circumspection. But as Princes can be constrained to fulfil their obligations only by force of arms, the custom has arisen of relying upon their treaties only after they have sanctioned and ratified them. Whatever the Minister has concluded, remaining ineffectual until the ratification of the Prince, there is less danger of giving him a full power. But to refuse, with honor, to ratify that which has been concluded in virtue of a full power, the sovereign must have strong and solid reasons for it; and particularly he must shew that his minister transcended his secret instructions."—Vattel, Book 2, chap. 12, § 156.

"Every thing that has been stipulated by an agent, in conformity to his full powers, ought to become obligatory for the state from the moment of signing, without even waiting for the ratification. However, not to expose a state to the errors of a single person, it is now become a general maxim, that public conventions do not become obligatory till ratified. The motive of this custom clearly proves that the ratification can never be refused with justice, except when he who is charged with the negociation, keeping within compass with respect to his public full powers, has gone beyond his secret instructions, and consequently has rendered himself liable to punishment, or when the other party refuses to ratify."—Martens' Summary, Book 2, chap. 1. § 3.

The obligation of the King of Spain, therefore, in honor and in justice, to ratify the treaty signed by his Minister, is as perfect and unqualified as his royal promise in the full power; and it gives to the United States the right equally perfect to compel the performance of that promise.

Should it be suggested that the United States themselves, have, on more than one occasion, withheld or annexed conditions to the ratifications of treaties signed by their Plenipotentiaries in Europe, it will readily recur to you, that, by the nature of our constitution, the full powers of our ministers never are or can be *unlimited*; that whatever they conclude must be, and by the other contracting party is always known and understood to be, subject to the deliberation and determination of the Senate, to whose consideration it must be submitted before its ratification; that our full powers never contain the solemn promise of the nation to ratify whatever the minister shall conclude, but reserve expressly not only the usual right of ratification, but the constitutional privilege of the Senate to give or withhold their assent to the ratification: without which assent, by majority of two thirds of the members present at the vote taken after consideration of the treaty, the President has no authority to ratify. In withholding or refusing the ratification, therefore, no promise or engagement of the state is violated. But neither the same reason nor the same principle applies to the King of Spain, who possesses the sole, entire, and exclusive power of ratifying treaties made by his ministers, and who, therefore, by the promise, on the faith and word of a King, to ratify whatever his minister shall sign, commits his own honor and that of his nation to the fulfilment of his promise. This distinction is well known and clearly recognized by the law of nations.†

† The sovereign who possesses full and absolute power, has undoubtedly the right to treat, in the name of the state which he represents, and his engagements bind the whole nation. But the

Spanish government cannot alledge either that Mr. Onis transcended his secret instructions, or that the ratification of the United States has been refused, or that any unfair advantage was taken on the part of the United States in the negociation, or that Spain was not fully aware beforehand, of the full extent of the engagements contracted by Mr. Onis. It is too well known, and they will not dare to deny it, that Mr. Onis' last instructions authorised him to concede much more than he did; that those instructions had been prepared by Mr. Pizarro; that, after the appointment of the Marquis de Casa Yrujo; to the ministry, they were by him submitted to the king's council, and, with their full sanction, were transmitted to Mr. Onis; that, both in relation to the grants of lands in Floridas, and to the western boundary, the terms which he obtained were far within the limits of his instructions; that it was known to, and understood by, him, that the grants to Alagon, Punon Rostro, and Vargas, were annulled by the treaty; that so fully was this his understanding, that, in his despatches to his government, he pointed out to them means of indemnifying those grantees, for their disappointment, from other lands. The government of the United States, indeed, considered the moderation and generosity of the terms to which they had acceded as a pledge that they would be received with pride and joy by the Spanish government. And so, it will not be denied, they were in the first instance received by the king of Spain and his cabinet. If, afterwards, from the unexpected extent of sacrifices which the United States made, for purposes of conciliation, and of sincere amity, Spain has drawn the inference that this temper may be trifled with, and abused, it is proper, and will be just, that she should be effectually deceived.

Should the ratification be withheld, it is to be presumed that some other reason than the importance of the treaty, will ultimately be assigned by Spain for withholding it. What that will be, can at present only be conjectured. If the grants to the Duke of Alagon, and Count Punon Rostro, should be assigned, as forming the objection, you will explicitly declare, that the United States have no compromise to make, and will listen to none on that subject.—The insinuation of the Marquis of Casa Yrujo, that those grants, by the letter of the eighth article, would be confirmed, if dated before the 24th of January, 1818, was totally unfounded. Mr. Onis knows that the whole of the eighth article was finally drawn up as it stands, with the express intention, declared by me, and agreed to by him, to exclude them from confirmation, whatever might be their dates. Mr. Onis, on the first project of a treaty, delivered on the 9th of February, had drawn the article in such terms as to confirm all grants made before the 24th of January, 1818. If the article had even been accepted by us in those terms, it could only, by an unworthy deception, be pretended that it covered the grants of Alagon, and Punon Rostro, because it had been explicitly agreed, on both sides, that they should be annulled, and because Mr. Onis, who always spoke of them as fraudulent grants, of which

rulers of nations have not all the exclusive power of making public treaties: some are under the restriction of taking the advice of the Senate, or of the representatives of the nation. It is in the fundamental laws of each state that we must look for the power capable of contracting valid engagements in the name of the state.—Vattel, Book 2, chap. 1 § 51.

he was ashamed for his country, has repeatedly declared to me, that he signed the treaty without knowing their dates, but fully believing them to be subsequent to the 24th of January. If, then, the confirmation of the grants prior to that date had been, as it was first proposed by Mr. Onis, positive and unqualified, and if the grants had been completely made before that date, there might be some pretence that they were covered by the letter of the article, though by a mistake common to both parties, of which a just and honorable government would disdain to take any other advantage than that of manifesting its good faith by its cheerfulness and promptitude in rectifying the error and fulfilling the intention, instead of the letter, of the engagement. But the article was not accepted in this form in the counter project delivered by me on the 13th of February, the grants prior to the 24th January 1818, the conditions of which should have been performed by the grantees, and none other were declared to be confirmed. At the time that the counter project was received by Mr. Onis, he was confined to his house by indisposition. At his request, the communication between him and me were made by the friendly interposition of the French minister, M. Hyde de Neuville. Mr. Onis insisted on the article concerning the grants, as drawn up by him, not for the purpose of covering these grants, for he professed an earnest desire that they should be annulled, for the vindication of his own character from the aspersion which had been circulated here, that he had a personal interest in them; but he had drawn the article in these terms, merely to save the honor of the King. It was then observed, that the honor of the King could be saved by declaring the grants prior to the 24th January, 1818, binding to the same extent as they would have been upon the Spanish government, if the cession to the U. States had not been made. It was known and admitted, that neither of those grants would in that case have been valid, because the conditions, by the laws of the Indies, indispensable to their validity; neither had been nor could be fulfilled by the grantees, and their nonperformance; had been formally assigned by Mr. Onis, in his letter to me of 16th November, 1818, as his reason for agreeing to their being annulled. But he observed, that there were grants of old standing made *bona fide* to persons in actual possession of the lands, and having made improvements and settlements upon them, but who, by the late revolutions in Europe, and the convulsed state of Spain, had been prevented from completing all the conditions of their grants; that it would be but equitable to allow them time from the date of the treaty to fulfil them. To this a ready assent was given and the article was thus agreed to limiting to such grants alone, the confirmation prior to the 24th of January, 1818.

Minutes of the discussion upon this article were drawn up in writing at the time by Mr. de Neuville and copies of which were furnished both to Mr. Onis and to me, prior to the signature, and recognized by us both to be correct. An abstract from them of all that relates to this article, together with the draft of the article, as first proposed by Mr. Onis, of that in our counter project, and of the article as finally agreed to, are herewith enclosed. They will show that the confirmation of the grants to Alagon, Punon Rostro, and Vargas, is as effectually excluded by the limitations in the first part of the article, if their date is prior to the 24th of January 1818, as by the date itself, if made subsequent to that time. They were not excluded, *by name*,

for two reasons: First, conformably to the desire of Mr. Onis, to save the honor of the King. You will see this distinctly noted in the minutes of Mr. de Neuville. Secondly, because, from the despatches of Mr. Erving, it was supposed there were other grants of the same kind, and made under similar circumstances. To have named them might have left room for a presumptive inference in favor of others. The determination was to exclude them all.

No reliance was placed upon the exclusion by the date, because the grants having been secretly made; without the usual formalities, the copies of them received from Mr. Erving might be unauthentic; because no copy of the grant to Alagon had been received; and because, if fraud was to be guarded against, it was well known that antedating was one of its most familiar and favorite expedients. When, shortly after the signature of the treaty, a rumor was circulated here, that the date of the grants was one day prior to the 24th Jan. 1818, and that this last date had been assumed with the intention at least on the part of Mr. Onis, that they should be confirmed; without admitting the suspicion that he had attempted a deception for which the language of decency has no name, it was yet thought advisable, that no shadow of a pretence should, by any possibility, be raised after the ratification of the treaty, by Spain or the grantees, that those grants were confirmed or that either party of the compact had understood that they would be, by the article as it stood. You were therefore instructed; on exchanging the ratifications, to deliver a declaration of this construction, which it had been the avowed intention of both parties, at the signature, that the eighth article should bear, in relation to the grants in question, and the only one which the United States would ever admit. Mr. Onis, by his answer to my note of the 10th March, unequivocally recognized that such had been his understanding of the import of the article when he signed it. He added, indeed, that if he had known that the grants were of a prior date, he should have insisted upon their being confirmed. But, without remarking that his ignorance of their dates could have no possible effect to render valid that which he had agreed and understood to be null and void, it had escaped his recollection that in his note to me of the 16th November, 1818, he had agreed that these grants should all be annulled, *because their conditions had not been fulfilled by the grantees*. The President of the United States is yet willing to accept of the ratification of that treaty by Spain. It settles important interests; it secures pacific and harmonious relations with Spain; it provides indemnities to many of our citizens for injuries which Spain acknowledges they have suffered from her; and it gives us Florida, a land useless and expensive to Spain, though, chiefly by its position, valuable to us. But, for all these advantages we know that we have given in the same treaty ample and generous equivalents to Spain; and she will find herself much deceived, if in the hope of making hereafter a better bargain, she now disdains them. To possess Florida, with the full and fair consent of Spain, is undoubtedly an object of interest to the American government; but an object of infinitely deeper and dearer interest to them is, to observe towards Spain, and all other nations, a just, and candid, and single-hearted course of conduct, free from fraud, artifice, or disguise. And that which they observe they demand in return. They will neither themselves practise, nor from others submit to, a *disingenuous, double-dealing system of treachery*.

ery, paltering with its own engagements, and spreading snare for the generous confidence of good faith.

You will therefore, on no consideration exchange the ratifications without delivering the declaration prescribed by your instructions, when you took charge of the treaty; and you will not fail, if the ratification be withheld, to address an earnest remonstrance to the Spanish government against the grants themselves, and the circumstances under which they were issued.

The proposal of Mr. Onis's letter to this department, of 31st October, 1818,* was as follows: "That the late grants made by his majesty, in the Floridas, since the 24th of January last, the date of my first note announcing his majesty's willingness to cede them to the United States, (the said grants having been made with a view to promote population, cultivation, and industry, and not with that of alienating them,) shall be declared null and void, in consideration of the grantees not having complied with the essential conditions of the cessions, as has been the fact."

And in his letter of the 10th March, referring to this proposal, he says, "with the frankness and good faith which have uniformly actuated my conduct, and which distinguish the character of the Spanish nation, I have to declare to you, sir, that, when I proposed the revocation of all the grants made subsequent to the date above mentioned, it was with the full belief that it comprehended those made to the Duke of Alagon, as well as any others which had been stipulated at that period."

Here, then, is the express declaration of the Spanish negotiator of that treaty: 1st. That the grants in question were all, in his full belief when he made the proposal, included among those positively annulled by the date. 2d. That these grants had been made by the King, with the view of promoting population, cultivation, and industry, and not with that of alienating the territory; and, 3d. That the grants were all null and void, because the grantees had not complied with the essential conditions of the grants.

Now, what shall be said after these plain and positive declarations, when Spain advances, as the only ground of pretence, that these grants were confirmed by the treaty; that they were dated before the 24th of January, 1818, indeed; but, after the instructions by which Mr. Onis was authorized to make his proposal of that date, for the cession of the Floridas, had been dispatched to him from Madrid? What becomes of his positive assurance that these grants were made for the population and improvement of the territory, and not with a view of alienation? And what was the meaning of Spain in stipulating, that an acknowledged debt of indemnities from her to citizens of the United States, at least to the amount of five millions of dollars, should be paid from the proceeds of public lands in Florida, when she now comes and says, that, even while her minister was signing this compact on her part, his sovereign, by a secret and irregular alienation of the lands, had made its accomplishment impossible. In whatever other light it is to be considered, it is an injury to the U. States, for which they are entitled to demand and obtain

* This is a wrong date, inserted by mistake and should be 16th November, 1818, as will be seen by referring to the extract of a letter from Don Luis de Onis to the Secretary of State of that date, already published in the City of Washington Gazette.

satisfaction. When the government of a nation degrades itself, by flagrant and notorious perfidy, those who are constrained to entertain political relations of neighborhood with them, are justified by the law of nature, and it is their duty to themselves, in subsequent transactions with such a state, to take pledges of security, for the performance of its engagements, more effectual than confidence in its good faith. Such pledges are amply within the reach of the United States, in their intercourse hereafter with Spain; nor is it to be presumed that those who are intrusted with the maintenance of the rights and interests of this nation, will overlook, or neglect, the duty which may be devolved upon them, of taking them.

This despatch will be delivered to you by Capt. Read, of the Hornet. If the ultimate decision of the Spanish government upon the treaty, should be still pending, on his arrival at Madrid, you will demand it immediately, giving notice that a delay of more than one week, after your communication, will be taken as a refusal. At the expiration of that time, or sooner, if the decision be made known sooner to you, you will despatch Capt. Read, that his return to this place may, with all confidence, be expected by the 20th of November. Should the ratifications be exchanged, your leave of absence, contemplated when you left this country, may be used at your discretion; but if not, the President thinks it best that you should remain at Madrid, to await the contingency of events upon the meeting of Congress.

I am, very respectfully, your obedient and very humble servant.

JOHN QUINCY ADAMS.

Mr. Forsyth to the Marquis of Casa Yrujo.
His Excellency the Marquis of Casa Yrujo,
First Secretary of State, &c. &c.

MADRID, May 18, 1819.

Sir: The treaty concluded on the 22d of February, 1819, at Washington, by Mr. Adams on the part of the government of the United States, and the Chevalier de Onis on the part of his Catholic Majesty, has been entrusted to me by the President of the United States, duly ratified; and I am prepared to exchange the ratifications of this instrument at any moment it may suit the convenience of your Excellency. From the nature of the engagement, it is desirable that the earliest exchange should be made; and this would be particularly convenient, as an opportunity is afforded of sending this important document to my government, by the American ship of war Hornet, now in the harbor of Cadiz, and destined in a few days, to the United States.

I seize, with avidity, every opportunity to present to your Excellency, whom may God preserve, the assurances of my distinguished consideration.

JOHN FORSYTH.

Mr. Forsyth to the Marquis of Casa Yrujo.

MADRID, 4th June, 1819.

Sir: On the 18th of May last, I addressed to your excellency an official note, to inform you "that I was ready to exchange the ratifications of the convention, &c. concluded at Washington, by Mr. Adams and the Chevalier de Onis, on the 22d February, 1819; that it was desirable from the nature of that instrument, that an immediate exchange of ratifications should be made; the more especially so, as I had an opportunity of sending it, when ratified by the King, to the United States, by the

American sloop of war Hornet, then and now lying in the harbor of Cadiz." The time at which it will be necessary for that vessel (by the return of which the American government expects to receive the treaty ratified by his Majesty) to sail for the United States has so nearly arrived, that it is my indispensable duty to call your excellency's attention again to the subject of that note. It would be painful for me to see this vessel depart without the treaty. The government of the United States had a just and well founded expectation that no unreasonable delay would take place, and therefore looked to the return of this vessel for the instrument, executed with due formalities. Her arrival without it will not fail to make the most unfavorable impressions. To obviate such an effect is beyond my power, as I can perceive no adequate motive to prevent his Majesty's government from acting on this subject prior to her departure from Spain. Your excellency will not deem me unnecessarily importunate, or unreasonable, when I ask an immediate attention to this business and express my conviction that an answer will be given to this, and to my note of the 18th May, already alluded to, on the earliest day that the convenience of his Majesty's government will permit.

I renew to your excellency, whom may God preserve, the assurances of my distinguished respect and consideration.

JOHN FORSYTH.

[TRANSLATION.]

Don Manuel Gonzales Salmon to Mr. Forsyth.

SIR: The King, my august master, has informed himself of the contents of your two notes of the 18th of May last, and 4th instant, in both of which you state, that you are ready to exchange the ratifications of the treaty concluded at Washington, on the 23d of February last, by Don Luis de Onis and Mr. Adams, and that, from the nature of that treaty, and the favorable opportunity of transmitting it to the United States, by the Hornet sloop of war, you are desirous that the said exchange may be made as expeditiously as may be.

I have also submitted to his Majesty the purport of your verbal communications to me on this subject, and I again brought to his view your observations thereon in the two several conferences I have the honor to hold with you.

His Majesty has, in consequence, commanded me to inform you in reply, that, on reflecting on the great importance and interest of the treaty in question, he is under the indispensable necessity of examining it with the greatest caution and deliberation, before he proceeds to ratify it.

This being all I am able to communicate to you on this point, for the present, I avail myself, with pleasure, of the renewed occasion it affords me, to offer you my respects, and I pray God to preserve you many years.

MANUEL GONZALES SALMON.

Palace, 19th June, 1819.

Mr. Forsyth to Don Manuel Gonzales Salmon.

MADRID, June 21, 1819.—Sir: The determination of his Catholic Majesty, to delay the exchange of ratifications of the treaty signed on the 22d February, at Washington, by Mr. Adams and the chevalier de Onis, as communicated by your excellency's note of the 19th instant, in reply to my notes of the 18th May and the 4th of the current month, fills me with regret. As the subject matter of that treaty has been for years before the two governments, both of whom have, no doubt, long

since discussed and deliberately determined upon what they would respectively claim and yield, I look it for granted no motive for delay could exist. Your excellency's note, while it states to me the fact that a longer delay is contemplated, does not enlighten me as to the cause. The measure is, no doubt, important and interesting to his Majesty's kingdom, but no new light can have broken in upon the subject since the instructions were given to the Chevalier de Onis, upon which the treaty is founded, on the part of Spain—no change of the circumstances of the parties to it, has occurred—no new causes of difficulty, or complaint, are known to exist. Although the words of the treaty allow six months to elapse before the instrument is annulled, if the exchange of ratifications is not previously made, I must represent to your excellency, that every hour's delay is at variance with the spirit of the instrument. The time stipulated was, to guard against accidents, extended to the longest period which, under any circumstances, could be required to effect the exchange. Had the distance of our respective governments permitted, the time fixed would not have been extended beyond a single day. If the government of the United States had not gratuitously offered the exchange here, his Majesty would have been compelled, ere this, to have transmitted the treaty ratified on the part of Spain, to America, or have lost the benefit of the convention. You will recollect that no place is fixed at which the exchange is to be made. It is to the confidence of the American government in the good disposition of Spain, that the King, your master, is indebted for the opportunity thus to delay acting upon the subject. The ill consequences which will ensue from this postponement, and the impression likely to be made by it, can be easily foreseen. Your excellency may correctly estimate the conjectures to which it will give birth in the U. States, from what is passing here. You, perhaps, are yet to learn, that the delay of the last month has given rise, at the seat of his Majesty's government, among his own subjects, to the most monstrous and absurd suppositions. Among the subjects of Spain, those who best know the integrity of the King, and the purity of his counsels, it is asserted, that an act required by the policy of this government, essential to the interests of this kingdom, and demanded by the honor of the King, will not be performed. Yes, sir, the King is calumniated in his very capital by a most unjust surmise, that there will be a refusal to do that which the reputation of Spain requires, that which Spain dare not refuse to do. Your excellency will not understand this as threatening his Majesty's government with the consequences which might ensue from the resentment of the U. States, if it were possible for Spain to act in this business with bad faith. Threats are used by conscious weakness not by conscious strength.

I know too well the abundant resources, the expanding power, the youthful vigor of my country, to degrade her character by using language unworthy of it—if not by my respect for Spain, I should be prevented by the fear of the deserved resentment of my own country; I should not be easily forgiven for condescending to say how she would punish an act of perfidy. It is by her acts, and not by the raisings of her ministers, that she will be known to those who violate the faith pledged to her. But there is this, which a just government will more cautiously avoid than even the well founded resentment of a powerful nation—the degradation of conscious baseness. No wise king will

dare to do an act which would deprive him of the respect of all nations, sully the reputation of his kingdom in the eyes of the civilized world, and deprive his people of the strongest incentive to virtuous exertions, under every dispensation of heaven—the confidence in the integrity of their government. If, even in Spain, unjust surmises and unfounded mistrusts are entertained, your excellency, recollecting the lately subsided irritations of long continued disputes with the government of his Majesty, will not be surprised that, in the United States, the same cause should produce, not suspicions, but firm convictions of the intention of this government to disappoint the expectations reposed in its good faith. I know full well, that, in two months, the act of the exchange of ratifications will prove that these harsh convictions have been hastily and incorrectly formed; but the impression of them may remain, and the motive for the delayed exchange may be misunderstood. I have used every effort to avert it, but in vain. If my apprehensions should not be realized, I shall heartily rejoice.

It only remains for me to say, in this last note that I shall address to your excellency on this subject, that, whenever his Majesty directs you to exchange the ratification of the treaty of the 22d February, 1819, I am prepared, at any period before the 22d of August, on the part of my government, to perform that ceremony.

I renew to your excellency, whom may God preserve, the full assurance of my perfect respect.

JOHN FORSYTH.

[TRANSLATION.]

Don Manuel Gonzales Salmon to Mr. Forsyth.

Sir: I duly received the note you were pleased to address to me, dated the 21st of June last, in answer to that which I had the honor to write to you on the 19th of the same month, being my reply to your notes of the 8th of May and 4th of June, requesting the speedy ratification and exchange of the Treaty, lately concluded at Washington, on the 22d of February of the present year, between His Majesty, my Master, and your Government.

In my said reply, I confined myself to stating to you that his Majesty, having taken that important subject into his most serious consideration, had found it indispensably necessary to examine the Treaty with the utmost caution and reflection before he proceeded to ratify it.

In your answer, you express your surprise at the delay attending a transaction, which, having been already thoroughly discussed, could require no renewed examination of its final and definitive decision; and the more so, as the circumstances which led to it had experienced no change with either party. You proceed to develop, at length, the injurious effect that, in your opinion, must be produced by the delay of the Spanish government, in concluding this affair, and also of the disagreeable consequences that you foresee must result from that delay; and you conclude, by stating, that whenever His Catholic Majesty shall please to authorize me to exchange the ratifications of the treaty of 22d February, 1819, you are ready to execute that act on behalf of your Government, at any time prior to the date of the 22d of August.

It would have been desirable if you had confined yourself, in your said note, to expressing your surprise and that of your government, at the delay, on the part of Spain, in terminating, by her ratification, an affair which, according to the intention of both, was to be considered as concluded; and to

earnestly requesting the exchange of the same; by which the wishes of your government, and one of the principle objects of your arrival at this Court, would be accomplished.

Thus, it is to be supposed, that you would have only conformed to the instructions which you will probably receive from your government; and, therefore, other expressions and phrases you have used in your note, cannot fail to appear very extraordinary, which your ardent zeal for the interests of your nation, has doubtless, prompted you to employ, but in which you have been carried farther than really could have been wished.

The expressions, and phrases alluded to, which I refrain from otherwise specifying, are, to say the least, entirely superfluous, and consequently, foreign to the subject in question; they have, therefore, surprised the more, as in no possible case, can they be applicable to the Spanish Government, or to its agents. Convincing of the rectitude and justice of its rights, and of those ever prescribed by the bounds of moderation, it never has, in its communications, permitted itself to go to such extremes as would justify the proceeding now adverted to.

There would be much to remark upon a style so unusual in diplomatic communications, and still less conformable to the sentiments of mutual friendship and harmony, which should exist between the two governments of Spain and the United States of America, as well as of those which, as its Representative, you are in a situation to express; but I shall abstain from any particular detail or comment upon your expressions, and confine myself merely to declare to you, as I have already done, the extreme surprise produced by that part of the contents of your note.

I am, at the same time, authorised by the King my master, to inform you that, having deliberately weighed the important subject which forms the principal object of your communication, he is of opinion that a final decision cannot be taken thereupon without previously entering into several explanations with the Government of the United States, to some of which your Government has given rise.

His Majesty has therefore been pleased to charge, with his full confidence, a person possessing all the qualifications necessary for bringing this interesting trust to a happy conclusion, who will forthwith make known to the United States His Majesty's intentions on this point, in order that, all obstacles being removed on the one side, and cleared up on the other, all the doubts which have arisen may be done away, and a full and satisfactory accomplishment given to the earnest desire which has animated the King my master, on this subject, which certainly has uniformly been to see the friendship and good understanding subsisting between both Governments, established on the most solid basis, and secured against future chances of interruption.

His Catholic Majesty persuades himself that the Government of the United States, in accordance with these principles and sentiments, far from refusing to admit these new explanations, will cheerfully receive them as a proof of the good faith and frankness of the conduct of Spain, and that they will accede to her views by promoting also, on their part, the speedy conclusion of an affair productive of the mutual advantage of both powers. I offer, &c. &c. — MANUEL GONZALES SALMON.

Madrid, 10th August, 1819.

Mr. Forsyth to Sen. Don Manuel Gonzales Salmon, Acting Secretary of State, &c. &c.

MADRID, 12th Aug. 1819.—Sir: I have received, this morning, your officio of the 10th inst. Some of the expressions of the note which I had the honor to present to his Majesty's government, on the 21st of June last, appear to have given offence.—As you have not specified the particular phrases or expressions which are considered censurable, I can only say that it was far either from my wish or intention to treat his Majesty's government with disrespect, or so use terms calculated to interrupt the harmony and good understanding which ought to exist between it and the U. S. I came here instructed by the president, and animated by the warmest wishes to strengthen, not to weaken, the almost broken bands of amity by which the two nations are still united. I can but regret that, in my zeal to promote this great object, I have used language capable of being misunderstood. You will consider that this regret does not spring from a conviction that the construction put upon my note is just. So far from admitting this, I must insist that there is nothing contained in it which, if rightly interpreted, could be deemed objectionable; and I cannot but indulge the belief that the language has been held offensive, not from its genuine and original import, but from some fatality in its application. As to the remarks you have been pleased to make that these unusual expressions were idle, (ociosos) not pertinent to the business in question, and not common in diplomatic communications, they are not sufficiently important to merit a distinct reply. The two first it is not the province of his Majesty's government to reprove; to my own government I look for approbation or censure. There is no doubt that the pertinency of the matters referred to, will not escape its penetration. Should I be convicted of the offence of departing from the ordinary diplomatic style, I shall find abundant consolation in the consciousness of having expressed just sentiments in simple terms. The course pursued by the government of his Catholic Majesty, and intended to be persisted in, as indicated by your note, is much more likely to disturb the harmony of the two nations, than the intemperate zeal of the representatives or agents of either. On the 22d of February, the convention was signed at Washington, by Mr. Adams and the Chevalier de Onis. In April, a copy of it was received in Spain, from the messenger sent by the Spanish Minister from America. It is not necessary to remind you, that the satisfaction of this government in the termination of this important business was marked by the distribution of the honors in the gift of the crown, to persons very remotely connected with the transaction. What has produced the very surprising change in the opinions then entertained on this subject, is for you, sir, to explain, if you think proper, but is what I cannot imagine. On the 18th of May, immediately after my introduction to his Majesty, the note of that day was delivered. It was therein stated that the treaty ratified by the United States was in Madrid, and an immediate exchange of ratifications was asked, that this important document might be sent to my government by a vessel of war bound in a short time from Cadiz to America: to this no reply was given. Under the expectation entertained from several conversations with the Marquis of Casa Yrujo, the substance of which has been verbally stated to you, the vessel was detained in the port of Cadiz, until the 2d of July. In this interval, the only communication received on this important subject,

was your note of the 19th June, the purport of which was, that his Majesty found it necessary to proceed with the deliberation and slowness demanded by its importance, to consider the subject of the treaty. On the 12th day of August, his Majesty's government gives notice, by your note of the 10th, of its determination—to ratify? no, sir, to send a person to Washington, possessing the confidence of the king, and having the necessary qualifications to terminate happily this affair. Can it have escaped the observation of this government, that this affair must terminate in ten days? While a failure to resolve finishes the business in a few days, this government thinks that a definite resolution cannot be taken without first entering into various explanations with the United States, to some of which the government of the said States has given occasion. What circumstance in the history of this affair sustains the assurances that his Majesty finds himself animated by the most vehement desires to preserve a good understanding with, and the friendship of the United States? Is it the disappointment of the rational anticipation, indulged in America, that the treaty ratified by Spain would be carried there in the ship of war Hornet?

The determination to send a messenger to the U. States for explanations, at this period, when his voyage, as it regards the convention, must be useless; and the only hope which can be entertained from it, is that a new negotiation may be commenced? A circumstance of especial weight, when it is recollect that this messenger might have been sent to Washington, the desired explanations might have been asked and given there prior to the 22d of Aug. if the king, your master, had decided promptly on this course. Or is it in the inexplicable and studious avoidance of the natural order of proceeding in a case of this kind, an application to the Minister of the U. States, near the Court of his Majesty, for these necessary explanations, when they might have been, possibly, long since given, before the period arrives when the convention of the 22d Feb. ceases to be obligatory upon the parties to it? You will forgive me, sir, if I perceive in none of these circumstances indications of those vehement desires by which his Majesty's government is animated, to establish, on a solid basis, a good understanding with the U. States, to which, in the usual style of diplomatic communications, you refer. Since, however, I am bound and most willing to believe their existence, although the conduct of Spain, has a tendency to force a different conviction upon the mind, allow me to suggest the only mode in which they can now be fully manifested and gratified. With that frankness and openness so honorable to all nations, and by which the Castilian character has been distinguished, disclose the difficulties that appear to impede themselves to prevent the immediate conclusion of this affair. I am fully instructed by the government of my country upon the only point on which it can have given a motive for explanations, and while I cannot imagine what others are wished for, I persuade myself that I am so well possessed of its wishes and intentions as to be able to give full satisfaction to his Majesty upon any part of the treaty, the elucidation of which may be desired.

I renew to you, sir, the assurances of my distinguished consideration. — JOHN FORSYTH.

[TRANSLATION.]

Don Manuel Gonzales Salmon to Mr. Forsyth.
Sir: I have received the note you were pleased

to address to me of the 12th inst. in answer to that which I had the honor to write to you on the 10th announcing the decision which the King, my master, had judged proper to adopt in relation to the treaty concluded at Washington between the government of Spain and the United States.

In that note you begin by endeavoring to justify the meaning of the expressions contained in yours of the 21st June, which, however appear not the less extraordinary and surprising, as I have already intimated to you. But, on this head, I refer to what I have had the honor to express to you in my said note, by which the question will be considered as put at rest, and that on no account will it be agreeable to revive it.

I therefore proceed at once to reply to the leading object of your note; and I flatter myself that my answer will convince you, on the one hand that the government of his Catholic Majesty could not observe a course different from that which it has taken on this occasion; and on the other, that the determination of his Majesty to adopt that course, is founded upon his earnest wish, as I have already stated to you, to establish the amicable relations of both our governments upon a secure and permanent basis.

It is a fact of general notoriety, and must therefore be well known to you, that, as soon as the treaty concluded between his C. Majesty and the government of the U. States was received here and its stipulations became known, this important subject was taken into the most serious consideration by the King, my master, as well to examine its provisions minutely, as to investigate the consequences to which it might give rise in relation to your government. From that time, this important business has almost exclusively occupied the attention of the Spanish cabinet; and it was not until after it had received the most mature deliberation, that his C. M. resolved that no final decision could be taken upon it, without previously entering into various explanations and éclaircissements with the government of the U. States of America.

Any other determination which might have been taken previous to this step, would have been to say the least, precipitate, and exposed to the inconveniences which it is wished to avoid; and especially not to leave the relations of good understanding re-established between both nations liable to interpretations, but to place them on solid and stable principles, as permanent as the sincere and perfect friendship and harmony which it is desired to establish between the two governments.

The explanations and éclaircissements desired by his Majesty before a definitive resolution could be taken by him on the affair in question, are not of a nature to be obtained by the means of a messenger despatched to the United States, and the answer to which could arrive here before the 22d of the present month; and still less by reason of the retreat of the Minister Plenipotentiary of his Catholic Majesty, who, having made the Treaty, and being thoroughly possessed of the whole course of the negotiation, was best qualified to demand the explanations desired. Besides, having been the uniform wish of his Catholic Majesty, to proceed with all possible care and circumspection in an affair of such moment, and having thus investigated it, as I have before stated to you, this circumstance would not have given occasion for the despatch of the messenger as intimated by you.

Nor could the explanations alluded to be entered

into here under existing circumstances, on account of the want of time in the short space proposed by you. His Majesty therefore resolved to appoint a confidential person to proceed to the government of the United States for the purpose of obtaining them; thereby giving a new proof of his deference for the American government, by his desire to be thoroughly informed of every thing which has passed in relation to the Treaty.

It is true, that when this determination which the King, my master, has been pleased to take in relation to this affair, will come to the knowledge of your government, the epocha of the 22d of August will have elapsed; but this circumstance need prove no obstacle to the obtaining the requisite explanations and éclaircissements on the Treaty, as it is to be supposed that the American government would readily have afforded them at an earlier period, if the circumstances before pointed out had not prevented their being required immediately.

The communication which I had the honor to make to you on the 10th inst. and which could not have been made sooner, has been realized in due time; and certainly the government of the United States cannot fail to receive it favorably, if their desires, in conformity with those of his Catholic Majesty, are directed to the auspicious object of seeing the differences which existed between both governments at once terminated, and their amicable relations consolidated upon a firm and permanent basis.

This being the sole object proposed by His Catholic Majesty, he has judged, that, in order to attain it, there was no mode more suitable than to investigate and explain before he gave his sanction to an agreement which is to serve as a basis of the future relations between the two powers, whatever doubts and elucidations it might have given rise to. He has therefore determined to despatch to the seat of the American Government, a person charged with stating to it frankly and candidly the wishes of the King, my master; which he flatters himself will be fully accomplished, if he is met by similar dispositions, which it appears must be the case, if your government cherish the same sentiments by which his Majesty is animated.

In consequence of what I have herein stated, I trust that you will agree with me that the government of the king, my master, has proceeded in this affair with all prudence and circumspection; that it has not been possible for it to take a decision upon it until it had previously instituted a full investigation, without being exposed to the hazards of a precipitate determination; and, finally, that the resolution of his Catholic Majesty, far from being liable to an unfavorable interpretation, is the most conducive to promote the principle connected with this affair, and the most likely to regulate in a satisfactory manner, while it at the same time reconciles the interests of both nations.

In this persuasion, I cannot but flatter myself that your communications to your government will accord with this sentiment, and that they will tend to remove any doubtful interpretation that it might give to the determination adopted by His Catholic Majesty, and which I have already had the honor to communicate to you.

I avail myself with pleasure of this renewed occasion to offer you the assurances of my high and particular consideration. God preserve you many years. MANUEL GONZALES SALMON.

Palace, 19th Aug. 1819.

Mr. Forsyth to Don Manuel G. Salmon.

[COPY.]

Sr. Manuel Gonzales Salmon, Acting First
Minister of State, &c. &c.

MADRID, August 21, 1819.

The undersigned, Minister Plenipotentiary of the United States near His Catholic Majesty, perceives with regret, but without surprise, from Sir Don Manuel Gonzales Salmon's note of the 19th inst. that the determination made by the Government of Spain, not to ratify the Convention of the 22d February, signed at Washington, by Mr. Adams and the Chevalier De Onis, will not be changed. The undersigned will not waste his own time nor encroach upon that of His Majesty's Government, by any observations on the said note, but will proceed to discharge the only duty which, on this subject, remains for him to perform. He has the honor to announce that, after the 22d day of the present month, as the ratifications of the Convention of the 22d February will not have been exchanged, all the claims and pretensions of the United States, which, with the spirit of moderation, the love of peace, and the delusive expectation that all causes of difference and dispute with Spain would be thereby adjusted and settled, they consented to modify or waive will stand in the same situation as if that Convention had never been made. That the United States will hold themselves free to press and enforce them in any and every mode consistent with honor, that their interest may require. On the extraordinary steps taken by His Majesty's Government, in this affair, the undersigned will not remark, lest he should forget that respect which is due to the government near which, as the representative of another, he is sent to reside. Of the rumors that prevailed on this subject, before the decision of His Majesty's Government was known, a decision he could not anticipate, the Minister of the United States expressed himself in terms sufficiently strong.

As the recent determination has proved that there was but too much truth in what he believed to be unfounded reports and gross calumnies, the undersigned must leave it to his Majesty's government, upon whom that obligation rests, to shew upon what grounds that determination is reconcileable to honor and good faith. The undersigned laments that, while communicating to his own country this unexpected result, it is not in his power to enfold the train of reasoning by which His Majesty's government has been deluded into a belief that the course taken could be followed without serious injury to the reputation of Spain. The United States, after waiting more than twenty years with a patience and forbearance unexampled, the operations of reason and justice upon the councils of Spain, will see with astonishment, this new instance of her apparent disregard to both. The Minister of the United States, when transmitting his correspondence with His Majesty's Government to his own country, will not omit to state the assurances verbally given to him, of His Catholic Majesty's earnest desire to cultivate the good will of the United States: Unfruful professions, that cannot but produce all the effect they deserve, and all that could be rationally expected from them.

The undersigned renews to Sr. Don Manuel Gonzalez Salmon, the assurances of his perfect consideration and respect.

JOHN FORSYTH.

Mr. Forsyth to the Duke of San Fernando,
Excellency the Duke of San Fernando
and of Quiroga, first Minister of State, &c. &c.

Madrid, October 2, 1819.

Sir: The Government of the United States, having been prepared to expect the possibility of a rupture on the part of Spain to ratify the Convention of the 22d of February last, by the extraordinary delay to decide upon this subject, and the determination of the King further to postpone that decision, as communicated in the note of Mr. Salmon to me, of the 19th of June, have instructed me, should the final decision on it by the King not be made prior to this time, to inform the Government of His Catholic Majesty, that, although the six months stipulated in the treaty, within which the ratifications were to be exchanged, have expired; that the ratification of Spain, made with the explicit understanding that the large grants of land in Florida to the Duke of Alagon, the Count of Pumar Castro, and Mr. Vargas, and all others made under similar circumstances, are, by the 8th article of that Convention, null and void, and will be so held by the United States, will be accepted as valid; and I am authorised to receive the Spanish ratification for that of the United States; provided, this exchange shall be immediate. The exchange must take place soon enough to enable me to send the ratified treaty to the United States by Captain Read, of the sloop of war Hornet, of the navy of the United States, who will remain in Madrid ten days, to carry to the President the final determination of Spain on this important subject. Having received from your Excellency's predecessors in office no explanation of the particular causes of the delay that has taken place, it is in my power only to explain the reasons which induce the Government of the United States to insist upon an explicit understanding of the force and obligation of the 8th article of the treaty, prior to the exchange of ratifications; an understanding which will be fully shewn by a declaration I am instructed to present at the time of the exchange, should it ever take place, a copy of which is enclosed. It was rumored in the United States, and since my residence in Madrid I have been informed that the large grantees declare that their grants are valid under the 8th article. It has been asserted, with the strongest appearances of truth, that the determination of the Government of the United States to hold them void, as expressed in the letter of Mr. Adams, the secretary of state, to Mr. Onis, of the 10th of March, 1819, has been one of the chief causes of the extraordinary delay to decide upon the ratification of the instrument in Spain. It is necessary to the honor and the interest of the United States, whose conduct to Spain and to all nations, is governed by frankness and justice, free from fraud artifice and disguise, which they will never practise, nor from others submit to a dangerous, double-dealing system of treachery, paltering with its own engagements, and spreading snare for the generous confidence of good faith, to place this subject beyond the reach of difficulty or doubt. Without knowing, therefore, the dates of the respective grants alluded to, and supposing it barely possible that there is a foundation for a pretension of the grantees, under the 8th article, the Government directs me to present the declaration in question, not less essential to its own interest than to the honor of the King of Spain, and His Majesty would be subjected to the most unwarthy imputations, if, under the circumstances, a claim

should be made by his subjects, or those holding under them, founded upon the alleged validity of these grants.

To suppose that your excellency is not in possession of all the facts in relation to this subject, would be a reflection on the zeal and fidelity of the representative of Spain in the U. States, which I would be unwilling to cast upon any officer of his Majesty's government. I do not, therefore, send you copies of those documents, which shew explicitly that, prior and subsequent to the signature of the treaty, it was expressly understood by the negotiators of that instrument that the 8th article, written by the Spanish Minister himself, excluded these grants. In fact, when the lands of Florida were ceded, with an express stipulation that the claims of the citizens of the United States upon Spain were to be paid out of the proceeds of the sale of them; to suppose that the Spanish government had disposed of the whole, or the greater part of them, in gifts to its subjects, and will insist upon the validity of those gifts, is to suppose it capable of an act of notorious and deliberate perfidy. The government of my country considered that the treaty became, from the moment of its signature by the Chevalier de Onis, and the ratification of the United States, as binding upon the honor and good faith of the Spanish king and nation, as it would be after the ratification. Although I do not understand that this position is, or will be contested by Spain, it may not be useless to shew its strength fully to the view of your excellency. The words of his C. M. in the full power given to Mr. Onis, the original of which was delivered to the American government before the signature of the treaty, are, after authorizing Mr. Onis to treat, negotiate, and conclude, a treaty, whereby past grievances may be adjusted, and a firm and lasting peace established between the two governments, "Obligandonos y prometemos en fe y palabras de Rey que aprobaremos, ratificaremos, cumpliremos, y paremos observar y cumplir inviolablemente quanto por vos fuere estipulado y firmado, para lo qual os concedo todas las facultades y plenos poderes en la forma mas amplia que de derecho se requieren." If the usage of nations, which requires the ratification of the sovereign for the full confirmation of a treaty, could create any doubt of the import of language so unqualified or explicit, there is nothing dubious or uncertain in the extent of the obligation resting upon him, by the signature of his ministers, vested with such full powers. Upon this principle, the following quotations, from Vattel and Martens, are decisive authorities: "Sovereigns treat together by the agency of their attorneys or their mandatories, clothed with sufficient powers; they are commonly called Plenipotentiaries. All the rules of the law of nature, concerning things performed by commission, are here applicable. The rights of the agent are defined by the authority given to him. From this he must not depart; but whatever he promises within the terms of his commission, and according to the extent of his powers, is binding upon his constituents." "At this time, to avoid all danger and difficulty, Princes reserve to themselves the right of ratifying that which has been concluded by their ministers in their name. The full power is merely a commission cum libera. If this commission were to have its full effect, it should be given with the utmost circumspection. But, as Princes can be constrained to fulfil their obligations only by force of arms, the custom has arisen of relying upon their treaties only after they have sanctioned and ratified

them. Whatever the minister has concluded remaining ineffectual until the ratification of the Prince, there is less danger in giving him a full power. But to refuse, with honor, to ratify that which has been concluded in virtue of a full power, the sovereign must have strong and solid reasons for it, and particularly he must shew that his minister transcended his instructions." Vattel, book 2, chap. 12, § 156.

"Every thing that has been stipulated by an agent, in conformity to his full powers, ought to become obligatory, for the state, from the moment of signing, without ever waiting for the ratification. However, not to expose a state to the errors of a single person, it is now become a general maxim, that public conventions do not become obligatory until ratified. The motive of this custom clearly proves, that the ratification can never be refused with justice, except when he who is charged with the negotiation, keeping within the extent of his public full powers, has gone beyond his secret instructions, and consequently rendered himself liable to punishment, or when the other party refuses to ratify." Martens' Summary, book 2, chapter 3.

But why should quotations be made, to prove a principle so familiar to every man in public or private life, that what is promised in his name, by his authority, and according to his directions, is as binding in honor and conscience, as if he had pledged himself in person? The obligation of the King of Spain, therefore, in honor and in justice, to ratify the treaty signed by his minister, is as perfect and unqualified as his royal promise in the full power, and it gives to the United States the right, equally perfect, to compel the performance of that promise. It is well known to my government that the Spanish government cannot allege that its minister transcended his secret instructions, or that the ratification of the United States has been refused, or that any unfair advantage was taken by the United States, in the negotiation, or that Spain was not well aware, before hand, of the full extent of the engagements contracted by Mr. Onis. It is too well known to be denied, that the last instructions of Mr. Onis authorized him to concede much more than he did. The government of the United States, indeed, considered the generosity and moderation of the terms to which they had acceded, as a pledge that they would be received, as in the first instance they were received, by his Catholic Majesty, and his royal council, with pride and joy. If, from the unexpected extent of the sacrifices the United States made for the purposes of conciliation, the conclusion has been drawn, that their conciliatory temper may be trifled with and abused, it is just and proper that Spain should be effectually undeceived. I am, therefore, instructed further to inform your excellency that, if the ratified copy of the treaty should not arrive in the United States before the first day on which the Congress of the United States meets, the President will lay before that body all the transactions relating to the treaty, and such measures will be adopted by the competent authority, as the exigency of the case may require.

Whatever may be determined upon, Spain will be responsible to the United States for all damages and expenses which may arise from the delay to ratify, and from the measures to which the United States may resort, to give efficacy to their rights, and that for the indemnities to which they will be justly entitled, by this violation of faith by Spain, the United States will look to the territory

west of their present western boundary, on the Gulf of Mexico.

To this proposal, made in the spirit of moderation, of generous forbearance, and with the earnest desire of sincere amity with Spain, I am instructed to require an immediate, explicit, and unequivocal reply. Should this reply not be made before the tenth of the current month, I give formal notice to your Excellency that the proposal will be considered as rejected, and the proper communication will be made to the President of the United States.

I renew to your Excellency, whom may God preserve, the assurances of my distinguished consideration.

JOHN FORSYTH.

[TRANSLATION.]

The Duke of San Fernando and Quidroga to Mr. Forsyth.

To the Minister Plenipotentiary

of the United States of America.

Sir: Having had the honor to lay before the King, my master, the contents of the note which you addressed to me on the 2d instant, his Majesty, whose justice and impartiality are so universally known, having examined the principal points embraced therein, has commanded me to answer you as follows:

The official communications addressed to you by Don Manuel Gonzales Salmon might exempt me, it would seem, from all further discussion of the subject in question; inasmuch as his Majesty, actuated as well by the claims of his honor and duty as by a uniform spirit of justice and conciliation towards the United States, and pursuing the example of his august predecessors, who, at an early period, and to promote the very establishment of the American government, gave such abundant proofs of similar dispositions, had determined, upon mature reflection and deliberation, to send a minister to that government, who, after requiring and giving the necessary explanations, might terminate this affair; and, as neither the actual state of the question, nor what you have been pleased to communicate to me, presents any motive for changing a resolution so deliberate and so just, and which the honor of his Majesty also forbids, there appears to be a still more urgent motive to confirm it.

With this answer I might leave you completely satisfied; but I especially take leave, with the permission of the King, my Lord, to reply to some of the points treated of in your note, with the brevity and precision which characterize me; and because you state that you have not yet received an explanation of the delay in ratifying the Treaty, and attribute it to the difficulties arising out of its eighth article. You will permit me to remark to you, that this delay does not manifest that want of good faith, or the artifice which is indirectly insinuated; it is rather the declaration now demanded by you, and previously announced by your government, after having signed and ratified the Treaty; a declaration which, by annulling one of its most clear, express, and conclusive articles, seemed much more likely to give room for a similar charge, in opposition to yours.

If your government, as you are pleased to state to me, really believed that the treaty, from the moment it was signed, became equally obligatory on Spain as it was on the United States, under whose immediate inspection it was formed, signed, and ratified, you will permit me to remark, that, whether we consider that point, or weigh the au-

thority of others, cited by you in support of your opinion, the deductions from them, and the weight of many others I now forbear to adduce, as it might seem to offend your illustration, militate against you. But even fancying them for a moment, without ever admitting them, the very authorities which you deem conclusive, in relation to a treaty, signed, but not ratified, are opposed to you, or require, still more forcibly, that an agreement, concluded, signed and solemnly ratified, as the present one has been by your government, should be subjected to a due investigation. And if, notwithstanding this, declarations are required, at the moment of its solemn conclusion, and before its ratification by the other party, which totally annul one of its most clear, precise, and conclusive articles, without the sanction of a secret agreement authorizing the same, how should it appear strange that his Majesty, while yet unfeathered by its stipulations, might and should demand explanations, rendered necessary by so unlooked for a proceeding? In the transaction of settlements, or agreements, between nation and nation, the solemn act which consummates them, namely, the ratification, would become wholly illusory, if the principles which it is now, in vain, attempted to establish, were to be admitted. I again repeat, that the very authorities cited by you literally declare, as I have already remarked, that the sovereign, for strong and solid reasons, or if his minister has exceeded his instructions, may refuse his ratification. [Vattel, Lib. 2, Chap. 13; and that public treaties are not obligatory until ratified. [Martens, Lib. 2, Chap. 3. See note.]

No less erroneous, and even unprecedented, is the judgment, or consequence, you draw from the instructions which you suppose to have been given to his Majesty's Minister for the conclusion of this treaty. Truly, it would be the first time that a diplomatic communication, professing to be thoroughly and minutely acquainted with these instructions, should cite them as being perfectly well known.—The respect due to the King's negotiators will not, for a moment, allow me to believe that they have failed in their obligations, by violating secrecy; nor will the high consideration I entertain for your government permit me to think it capable of having employed the oblique and vicious means that such information must imply; it is, therefore, wholly impossible for me to admit your assertion on this point.

But, dismissing so unpleasant a discussion, and desiring to express to you anew the spirit of conciliation and friendship which prompts the King my master to put an end to these differences, as I declared to you in the beginning of this note, I am enabled to assure you, that it is a subject of great regret to his Majesty, that such weighty considerations should have hitherto obliged him to defer the ratification of the treaty concluded by his minister to the federal government. These considerations, already stated by Don Manuel Gonzales Salmon, on communicating to you his Majesty's determination, acquire additional force when we find that intelligence has been received, through the medium of general information, newspapers, and correspondence, that an expedition directed against the province of Texas has been tolerated or protected, and other acts committed, within the limited, but unexpired, term assigned for the ratification, which as you will be duly informed, have justly called for the remonstrances of his Majesty's Charge d'Affaires to your government. Notwithstanding his Majesty has uniformly evinced a desire to maintain a perfect union and amity with the American go-

vernment, yet, to render these stable and permanent between two nations who, under favor of a state of amity, are endeavoring to settle their differences, it is necessary they should be based upon reciprocal utility and confidence. In the indulgence of these noble and generous sentiments, his Majesty confidently looks to the attainment of this desirable result. This was the object of the treaty; an object unfortunately not attained, notwithstanding the enormous sacrifices which the King my master condescended to make. In these feelings and dispositions, his Majesty still perseveres, by adopting a measure judged indispensable: that of sending to the government of the United States, as will promptly be done, a person possessing his entire confidence, and who, by smoothing the obstacles, or removing the difficulties, which have hitherto opposed the accomplishment of his beneficent intentions, may fully convince the federal government of the frankness and loyalty, as well as of the honor and dignity which it is his Majesty's desire to maintain in his relations of amity and union with that government.

Whereupon, I renew to you my sincere respects, and I pray God to preserve you many years.—Palace, October, 8, 1819.

The Duke of SAN FERNANDO & QUIROGA.

No. 3.

Extracts of a letter from Mr. Rush to the Secretary of State, dated London, 18th September, 1819.

"Since my second despatch, written on the fourth of this month, I have had an opportunity of seeing Lord Castlereagh. I gladly took advantage of it to introduce, as an immediate topic, the important subject to which that despatch related.

"I remarked, that it appeared, after all, that our treaty at Madrid was not ratified. 'Why, so it seems,' replied his Lordship. 'Our inclinations, however, as I trust you must be satisfied, after what has passed between us, would have pointed to a different issue; and I can only add my wish that it had been different.' He then said, that, from Sir Henry Wellesley's communications, he was led to infer, that the refusal to ratify had not been absolute, but that the government of Spain merely desired further explanations. I replied, that Mr. Forsyth had, I was sure, tendered every necessary explanations. I replied, that Mr. Forsyth had, I was sure, tendered every necessary explanation; but it had not been listened to."

"What the pretexts of Spain may have been for this fresh act of injustice and procrastination, I am not in the slightest degree, informed. A copy of the provisions of the treaty itself, I have never seen. But it occurs to me, at this juncture, to say, what may seem superfluous, but what the importance which the subject now assumes, at all points, prompts me to bring into view, namely, that I learned, through undoubted sources, that Mr. Onis, when here, affirmed, in the most unequivocal manner, that, in signing the treaty, he stood strictly and fully justified by his instructions."

Extract of a letter from Mr. Rush to Mr. Adams, giving the substance of a conversation with Lord Castlereagh.

London, Sept. 17th, 1819.

"His Lordship (Castlereagh) took this occasion to advert to the subject of the Floridas. It was, for the first time, without some previous invitation on my part, and I witnessed, with a proportionate satisfaction, his spontaneous approach to it. He

did so, as I soon saw, in order to enforce, by corroborations, his former communications to me. He took from his table a packet of Sir Henry Wellesley's despatches from Madrid. From two of these he read passages going to show that that ambassador had made known to the Spanish cabinet the wishes of the British court that the ratification of the treaty should take place. One of the despatches was dated on the 6th of June, the other on the 6th of July. They both imported a belief, founded on the state of things then existing, that the treaty would be ratified. His Lordship also read to me a passage from one of his own despatches to Sir Henry, in which an unequivocal opinion was expressed, that the true interests of Spain would be best promoted by a ratification. I think that this despatch was dated on the twenty-first of July.

He asked me if I had heard, during the summer, of an intended visit of a 'Mr Toledo' to London. I replied that I had. He said that he had too, but that he had never arrived. The Spanish government knew too well the opinions of this, to imagine that the propositions with which Toledo was said to have been charged, could ever be countenanced. These, he continued, were, to ask a loan of money to pay the claims recognized by the treaty, and also to enquire if Great Britain would consent to make common cause with Spain, in the event of a rupture between the latter and the United States. His Lordship then distinctly stated, that the willingness of the British court to accede to our coming to the possession of the Floridas, might be inferred from the indirect offer which it had made, two years ago, to mediate between the U. States and Spain, which we had declined. This offer, he observed, was made on the natural supposition that the cession of these provinces to us would have formed the basis of the negotiation; and to such a basis Britain was prepared at that time to assent."

FOREIGN AFFAIRS.

BOSTON, Dec. 25.—Last night arrived ship Herald, capt. Fox, in the remarkable passage of seventeen days from Liverpool; and we have been favoured by Mr. Knapp, of the Merchants' Reading and News Room, with London and Liverpool Papers to the 4th inst.

The Herald sailed from Liverpool on Monday the 6th of Dec. at 2 past 2 in the afternoon, and made Cape Cod on the 20th, at 8 o'clock in the morning.

The British Parliament commenced a session on the 23d of Nov. The following are extracts from the Prince Regent's Speech:

"I regret to have been under the necessity of calling you together at this period of the year; but the seditious practices so long prevalent in some of the manufacturing districts of the country, have been continued with increased activity since you were last assembled in Parliament.

"They have led to proceedings incompatible with the public tranquility and with the peaceful habits of the industrious classes of the community; and a spirit is now fully manifested, utterly hostile to the Constitution of this Kingdom, and aiming not only at the

change of those political Institutions which have hitherto constituted the pride and security of this country, but at the subversion of the rights of property and of all orders in society.

"I have given directions that the necessary information on this subject shall be laid before you—and I feel it to be my indispensable duty to press on your immediate attention the consideration of such measures as may be requisite for the counteraction and suppression of a system, which, if not effectually checked must bring confusion and ruin on the nation.

"The necessity of affording protection to the lives and property of his Majesty's loyal subjects, has compelled me to make some addition to our military force; but I have no doubt you will be of opinion that the arrangements for this purpose have been effected in the manner likely to be the least burthensome to the Country.

"Although the revenue has undergone some fluctuation since the close of the last session of Parliament, I have the satisfaction of being able to inform you it appears to be again in a course of progressive improvement.

"Upon the Loyalty of the great body of the people I have the most confident reliance, but it will require your utmost vigilance and exertion, collectively and individually to check the dissemination of the doctrines of Treason and Impiety, and to impress upon the minds of all classes of his Majesty's subjects, that it is from the cultivation of the principles of Religion, and from a just subordination to lawful authority, that we can alone expect the continuance of that divine favour and protection which have hitherto been so signally experienced by the kingdom."

On the 24th Nov. in the British House of Commons, the Address to the Prince Regent, echoing his speech, was debated; and the speeches occupy ten columns in the Times. An amendment, proposed by Mr. Tierney, was negatived. The yeas on it were 150, the nays 381. Lord Castlereagh supported his speech; by laying on the table a great number of letters relative to the internal state of the nation.

On a motion of the Marquis of Lansdowne in the H. of L. Nov. 30, for an enquiry into the causes of the distress in the manufacturing districts; supported by Lord Erskine and Earl Grey. Ld. Greenville opposed it warmly. Yeas 47, nays 178.

In the House of Commons, Dec. 1, a bill introduced by Lord Castlereagh, to prevent seditious meetings, was read a 2d time. On Ld. C's. motion to go into a committee upon it, there was a warm debate. The yeas were 351, nays 128.

Two bills, introduced by Ld. Sidmouth, one to authorize a search for arms, and one to prevent reformers from drilling and training were read the 2d time in the H. of Lords Dec. 1, after a long debate.

Mr. Canning has taken part in some of the interesting debates in Parliament—but at the last date was confined with the gout.

The address of the house of lords was presented on the 25th,

Walker and Knight are said to have been arrested on a charge of treason, for the part they took in a meeting at Habersham Eaves, Nov. 15, when a large portion of the persons went armed.

The training of arms had considerably increased, as well as activity in the procurement of arms, by the Reformers.

A London paper says that by the Earthquake in India, June 16, the whole district and territory of Kutch, a country situated on the N. W. of Bombay, and including several towns and villages, have been destroyed with 2000 inhabitants.

Mr. Cobbett's family had arrived in England, and the remains of Thomas Paine.

On the 29th of November the French Parliament was opened by a Speech from the King, which represented the affairs of France as in a flourishing condition—and was received with acclamations.

An action has been brought at Paris by M. Mollet against Joseph Bonaparte for property estimated at 200,000 francs, said to have been taken in Spain, when he was King.

An outrage has been committed at Brest by the populace on some Roman Catholic Missionaries, who were obliged to be withdrawn from the place.

The King of Spain on the occasion of his marriage, has granted an amnesty to prisoners and subjects in rebellion with some exceptions.

Great damage was done on the mountains near Xerea de la Fronteras, in Spain Oct. 13, by an extensive fire.

At Liverpool, Dec. 1. Cotton, Bowed Georgia, lb. 1s a 1s 2d; Sea Island, good to fine, 2s a 2 10; ordinary to mid 1s a 2 2; N. Orleans 1 03d a 8d; stemmed 5 to 8d; Kentucky and Georgia leaf 3 1/2d a 4; Rice, Am. cwt. 19s 6d a 22s; Queroitron Bark 1s a 21; Tar, bbl 17 a 18; Turpentine, cwt. 11s a 18 6; Ashes, Pot, 1st fresh, 59 a 41st; Pearl do do do

Prices at St. Thomas, Dec. 3—Flour 8 1/2 per bbl—corn meal 24 per bushel—bread 6 50 per bbl—tobacco 8 per cwt—beef 15 per cwt—codfish 4 per cwt—pork 16 per bbl—coffee 25 per cwt—sugar 8 to 9 do.

HOUSE OF REPRESENTATIVES.

December 21.

Mr. *Rhea*, from the committee of pensions and revolutionary claims, made unfavorable reports on the petition of John M. Goethins, and of Zachariah Roberts, which were severally read and concurred in.

Mr. *Holmes*, of Mass. from the select committee appointed on the subject, reported a bill providing for the admission of the District of Maine into the Union, on an equal footing with the original states.

Mr. *Floyd*, of Va. moved that the bill be made the order of the day for the second Monday in January, and committed to the same committee of the whole house as the bill for admitting the Territory of Missouri into the Union.

This motion was opposed by Mr. *Holmes*, and was negative; and the bill was then made the order of the day for to-morrow.

Mr. *Butler*, of N. H. from a select committee, reported a bill for the relief of Sarah Allen; which was twice read and committed.

Mr. *Cannon*, of Tenn. submitted the following resolution:

Resolved, That the committee on military affairs be instructed to enquire into the expediency of extending to the widows and orphans who have been placed on the pension list of the United States, or who may hereafter be placed on said pension list, under the provisions of the act of April 16, 1816, making further provision for military services during the late war, a further provision so as to allow to each orphan, whether of an officer or soldier, after the expiration of the five years' half pay allowed by the provisions of the before-mentioned act, a certain sum to be paid annually until they arrive at a sufficient age to provide for themselves; also, to allow each widow, whether of an officer or soldier, a certain sum to be paid annually during life, or to the time of her inter-marriage; or to make such other provisions for said widows and orphans as may be thought just and necessary.

The question being taken on agreeing to this resolution, was decided in the negative.

On motion of Mr. *Whitman*, it was

Resolved, That the committee on Revolutionary Pensions be directed to enquire as to providing by law for the application for pensions, under "An act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary War," approved March 18, 1818, by guardian, in case of the incapacity of the person entitled thereto.

On Motion of Mr. *Shaw*, it was

Resolved that the President of the United States be requested to lay before the House, at as early a day as may be convenient, an account of the expenditure of the several sums appropriated for building fortifications, from the year 1816, to the year 1819, both inclusive—indicating the places at which works of defence have been begun, the magnitude of the works contemplated at each place—the present condition—the amount already expended, and the estimated sum requisite for the completion of each—also the mode by which the fortifications are built, whether by contract, or otherwise.

On motion of Mr. *Cuse*, it was

Resolved, That the committee on Post Offices and Post Roads be instructed to enquire into the expediency of establishing a post route from Mount Hope, in the county of Orange, to Bloomingburgh, in the county of Sullivan, in the state of New-York.

On motion of Mr. *Smyth*, it was

Resolved, That the committee on Post Offices and Post Roads be instructed to enquire into the justice and expediency of authorising the Post Master General to increase, if he thinks fit, the compensation made to George Oury, a carrier of the mail of the United States.

On motion of Mr. *Taylor*, it was

Resolved, That the committee on Revolutionary Pensions be instructed to enquire into the expediency of placing Samuel Gage, Elisha Cotten, Lemuel Tomlinson, Caleb Johnson, Garret Putman, Jesse Foot, Isaac Bemis, and Victor Putman, on the pension list.

On motion of Mr. *Foot*, it was

Resolved, That the committee on Public Expenditures be instructed to enquire and report to this House, the amount of the several items which are charged upon the contingent fund; and whether, in their opinion, the expenditure may not in future be diminished, consistently with the public interest and the accommodation of the two Houses of Congress.

On motion of Mr. *Foot*, it was

Resolved, That the several committees on so much of the public accounts and expenditures as relates to Departments of State, Treasury, War, Navy, Post-Office, and Public Buildings, be instructed to enquire and report to this House, whether, in their opinion, the expenditures in those Department may not be diminished, without prejudice to the public interest.

Mr. *Bloomfield* offered a joint resolution, proposing that the two Houses should adjourn from the 24th inst. to Monday the 3d of January.

This resolution was supported by the mover, and by Messrs. *Nelson*, of Va. and *Warfield*, on the ground that the time proposed was necessary to allow certain alterations of the Hall, and arrangements necessary to enable the House to proceed with any kind of facility or comfort, in the public business, and that, so far from its being a waste of time, it would be the reverse in its consequences, &c.

Mr. *Rhea* and Mr. *Gross*, of N. Y. opposed the resolution, on the ground that the time proposed for the recess was more than necessary for the purpose referred to by its advocates, &c.

The question on ordering the resolution to a third reading, was decided in the negative, by yeas and nays—yeas 59, nays 100; and the resolution of course rejected.

On motion of Mr. *Ervin*, of S. C. it was

Resolved, That the committee on Post Offices and Post Roads be instructed to enquire into the expediency of establishing a post route from Georgetown, in S. C. to Conwayborough, by way of Black River, Pee Dee River, and Bull creek, and from Conwayborough, by Little River, to Wilmington, in North Carolina.

On motion of Mr. COCKE, of Ten., it was

Resolved, That the committee on Military Affairs be instructed to enquire into the allowances which have been made to the officers of the Army of the United States, for the transportation of baggage, quarters, and fuel, since the 1st day of January, 1818; and also into the expediency of regulating the same in future.

On motion of Mr. COCKE, it was

Resolved, That the committee on Military Affairs be instructed to enquire into, and report to this House the objects intended to be accomplished by the expedition ordered to the mouth of the Yellow Stone, on the Missouri river.

On motion of Mr. COCKE, it was further

Resolved, That the committee on Military Affairs be instructed to enquire and report to this house the expenditures which have been, and which are likely to be incurred, in fitting out and prosecuting the expedition ordered to the mouth of the Yellow Stone, on the Missouri river.

On motion of Mr. Rich, the committee of claims were instructed to enquire into the expediency of compensating Aaron Bellamy for a vessel lost on Lake Champlain; while in the public service.

Mr. Warfield introduced a joint resolution, directing the distribution to each member of the present Congress, not embraced by the former resolution on that subject, one copy of the journals, acts &c. of the Convention, recently published; which resolution was read twice, ordered to be engrossed, and subsequently read the third time and passed.

The House then went into committee of the whole, Mr. Smith of Md. in the chair, on the bill for the relief of William M'Donald which was reported to the House, and ordered to be engrossed for a third reading.

LOSSES IN THE SEMINOLE WAR.

The house then resolved itself into a committee of the whole, Mr. Livermore in the chair, on the bill to provide for the payment for horses and other property lost, captured, or destroyed, during the Seminole war.

This bill gave rise to considerable discussion principally on the expediency of paying for the loss of horses, for whose use the riders received from the U. States a compensation at the rate of forty cents per day. Another question was incidentally brought into view—the legality of the service of the persons now claiming compensation; or rather the legality of the orders by which they were called into service.

The result of the business was, that, at rather a late hour, the bill was reported from the committee of the whole to the house; when

A motion was made by Mr. Storrs, to postpone the bill indefinitely, on the ground that the principle of the bill was incorrect, and not the less so because of there being a precedent for it.

The house adjourned before deciding on Mr. Storrs' motion.

REVOLUTIONARY PENSIONS.

Mr. Jones, of Tennessee, offered for consideration the following resolution:

Resolved, That the Secretary of War be required to state to this house whether, in pursuance of the law of 18th March, 1818, any pensions have been granted, which, for reasons which he will state, ought not to have been granted, which, for reasons which he will state, ought not to have been granted, and what course has been pursued in relation to such pensions, or those to whom they may have been granted.

Mr. J. said, he was induced to offer the resolution to obtain information on a subject which had excited much interest. The Revolutionary officers and soldiers, or some of them were charged with the commission of frauds in obtaining pensions under the law of 1818. If this was true, the nature of the frauds should be known, and a remedy should be applied. On examining the law upon the subject, he said he was disposed to think there was no power to prevent their receiving the pensions thus illegally obtained. If the law was defective, it ought to be amended.

This motion and those incidently made relative to it produced some discussion, and some amendments to it previous to its adoption of which the following is a brief account:

Mr. Strother, of Virginia, moved to amend the resolve by adding to the end of it the following words:

" And the number and names of those who have been placed upon the Pension List from each state, and the amount paid in each state under the said law."

Mr. Jones accepted this amendment as a part of his motion.

Mr. Bloomfield, of N. J. suggested, that this resolve could not be necessary, the subject being already distinctly referred to a committee of the House, who had the subject under consideration; and would doubtless obtain and report all the necessary information.

Mr. Whitman, of Mass. moved that the resolve should be ordered to lie on the table for the present.

Mr. Lincoln, of Massachusetts, opposed this motion by a course of remarks, extended to considerable length, of which the following was the purport: He was opposed to the resolve lying on the table, because the subject of it was intimately connected with the rights and interests of a venerable portion of the community. With respect to the Secretary of War if he had transcended those powers which the law vested in him, it was highly proper that an enquiry should be made into the

matter? If the Secretary of War had the power to strike from the Pension List the name of any individual enrolled on it; or if, not legally having the power, he had exercised it, the subject ought to be enquired into. Mr. L. was of opinion that the Secretary neither had, nor ought to have this power. The law prescribed certain requisites and conditions, which being complied with, a person should have a right to be placed on the Pension List, without reference to any discretionary power in the Secretary; and, being placed there, the law gave him no authority to displace him. Are these men, said Mr. L. dependent for their subsistence on the will of the Secretary of War? When we have required certain forms and solemnities to place persons on the Pension List, is he, without form and without solemnity, merely on the information of some friend in whom he has confidence, justified in striking any one of them from the list? Mr. L. thought not. He wished not to be understood as manifesting any want of confidence in the virtue or talent of the Secretary of War; of which no man had a higher opinion; but no virtue, nor any talent, was proof against misconception or erroneous information, &c. Mr. L. made a number of other remarks of a general nature, on the subject of the Revolutionary Pension Law. He knew, he said, that some persons entertained strong impressions against this law, and that it had become odious to some on account of the number of persons whom it embraced. But, Mr. L. said, ought we not rather to rejoice that so many who served their country in critical times yet live, and that the nation possesses the means of sustaining them when no longer able to support themselves? For his part, he said, he rejoiced that the number was so great; and, so far from desiring to see it diminished by the lapse of years had he the power, he would say to each of them, Soldier of the Revolution—Live forever.

Mr. Whitman defended his motion to lay the resolution on the table. Among other things he said he was sorry to differ in opinion from the gentleman last up, with respect to the power said to have been exercised by the Secretary of War. It appears to him that the Secretary of War must have this power, because such a power must somewhere exist. If he had been imposed upon by fraud, he certainly had, or ought to have, the power, to revoke the act which was founded on fraud and false representations. There could be no possible danger from the exercise of such a power by the Secretary of War: it was a power exercised at his peril, and which he would in no case exercise but upon conclusive evidence. If any justice, however, should be done by any

individual he might come to this House for redress, and, if aggrieved, he could obtain it.

The question on laying the resolve on the table was decided in the negative.

Mr. Hill, of Massachusetts, said he had no obligation to the first part of the resolves, but he had to the latter part (being that added on motion of Mr. Strother) which he therefore moved to strike out.

Mr. Strother opposed this motion, for which he professed himself unable to see any adequate motive. If fraud had been committed, it was proper to enquire into all the circumstances connected with it, and into the quarter of the country in which it occurred.

Mr. Rich moved to postpone the further consideration of this resolve to the first Monday in January, on the ground that the subject was already before a committee of the House, on his motion, and to pass this resolution would be to indicate a want of confidence in their disposition to enquire into the facts connected with this subject.

The motion for postponement was negatived; as also was Mr. Hill's motion, after some debate, in the course of which Mr. Taylor, of New-York, supported, and Mr. Strother opposed the motion. The latter gentleman incidentally expressed the opinion that the power does not belong to the Secretary of War, which he is represented to have exercised, of striking off the pension list those who have gotten there by the means of fraud.

On motion of Mr. Taylor, the enquiry was extended, by incorporating in Mr. Strother's amendment the words "and the line to which they belonged and their rank."

On motion of Mr. Storrs, of New-York, the resolution was further amended, by adding thereto the words: "and also the regulations adopted by the War Department in relation to the examination and admission of claims for pensions under this act."

Thus amended, the resolution was agreed to without division.

On motion of Mr. McLean, of Kentucky, who stated that the law providing for the payment of such claims had expired, the committee of claims was instructed to enquire into the expediency of paying to Henry Cain the value of a horse lost or killed during the late war with Great Britain. Adjourned.

Having concluded to complete, in the present number, all the documents on Spanish Affairs, we have, of course, been obliged to defer bringing up our congressional proceedings, till next week; after this is done our readers shall be furnished with the customary variety, for which the pages of this paper have been distinguished. The index for the last volume (the eighth) will shortly be ready for delivery.

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